MINUTES

REGULAR MEETING – EDEN TOWN BOARD 2795 East Church Street Eden, NY 14057 December 14, 2022 7:00 P.M.

This meeting was held in-person and virtually through GoToMeeting.com. The meeting link was made available to the public prior to the meeting.

TOWN BOARD MEMBERS PRESENT:

MELISSA HARTMAN - SUPERVISOR
RICHARD VENTRY - COUNCILPERSON
SUSAN WILHELM - COUNCILPERSON
MICHAEL BYRNES - COUNCILPERSON
GARY SAM - COUNCILPERSON

OTHERS PRESENT:

Emily Hawkins - Town Clerk

Dave Rice - Code Enforcement Officer
Marlene Grunder - Administrative Assistant
Amy Porter - Recreation Director
Ron Maggs - Highway Superintendent

Malcolm VanKoughnett - Asst. Fire Chief

Supervisor Hartman called the meeting to order at 7:00 P.M.

Pledge of Allegiance

Approval of Minutes:

#236-2022: MOTION was made by Supervisor Hartman to approve the Town Board Minutes of November 9, 2022 as presented; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Supervisor Hartman asked if there were any additions or corrections; there were none.

Petitions: There were none.

Budget Transfers:

F	т.		
From Account	To Account	Reason for Amendment	Amount
A2170	A6989.4	NY Main Street Grant Funds \$30,000.00	
Community Development	Other Economic Assistance	Paid to American Legion	
A2115	A889		
Permit Fees	Restricted	Nexamp -Held for Review Costs of Project	\$10,000.00
	Commercial Permit Fees		
A2770	A4540.4	Worker's Comp Rebate - EMS Portion	\$1,015.00
Other Unclassified Revenue	Ambulance -Emergency Squad		
A915.6	A8540.4	Assigned funds from 2018,2019,2020,2021 for	\$12,000.00
Assigned - Non Rec	Drainage - Contractual	Erie County Soil & Water Project	
SL5182.4	SL5182.2	Correct April Budget Transfer s/b 5182.2	\$194,685.34
Street Light Contractual	Street Light - Equipment		
SL5182.4	SL5182.2	Legal Notices and Borrowing Fees for SL Project \$11,743.4	
Street Light Contractual	Street Light - Equipment		
A915.6	A1640.4	Use of Assigned Funds for	\$8,000.00
Assigned - Non Rec	Central Garage - Contractual	Siding Work on Main Bldg	
SD917	SD.8540.410	Emergency Repair to Pipe in	\$9,936.51
Drainage Fund Balance	Drainage Dist #1- Contractual	Drainage Dist #1-Oakhill Subdivision	
A3640.4	A3120.4	Plate Reader Camera	\$1,500.00
Civil Defense	Police Contractual		

SR2130	SR8160.4	Offset Cost of New Totes	\$3,000.00
Refuse & Garbage Charges	Refuse & Garbage Contractual		, ,
A917	A9950.9	Transfer to Capital for Town Hall Roof Project	\$11,688.60
Fund Balance	Transfer Out	,	
D5110.1	D5110.4	Budget Amendment	\$5,901.54
Maintenance of Roads - Personal	Maintenance of Roads- Contractual		
D2770	D5110.4	Budget Amendment	\$20,244.29
Unclassified Revenue	Maintenance of Roads- Contractual		
D2650	D5110.4	Budget Amendment	\$2,222.00
Sale of Scrap	Maintenance of Roads- Contractual		
A4089	A7110.2	Use of ARPA Funds to Purchase Rec Truck	\$33,241.56
Federal Aid - Other	Parks & Grounds - Equipment		
A915.5	A7110.2	Use assigned funds for Pickleball	\$17,850.00
Assigned Recreation	Parks & Grounds - Equipment	Fence and Minekime Parking	
A1110.1	A1110.4	New Copier	\$2,790.00
Municipal Court - Personal	Municipal Court - Contractual		
A1990.4	A1620.4	Town Hall Projects-Floor, Vault & UPS System	\$5,000.00
Contingent Fund	Town Hall - Contractual		
A1990.4	A1670.4	Increase in Advertising	\$1,500.00
Contingent Fund	Central Printing & Mailing		
A1920.4	A1910.4	Increase in Insurance Renewal	\$1,000.00
Municipal Dues	Unallocated Insurance		
A9015.8	A3120.4	Overbudget	\$6,000.00
Police Retirement	Police Contractual		
A1990.4	A3310.4	Crosswalk Striping Tape for Schoolview	\$1,800.00
Contingent Fund	Traffic Control - Contractual		
A3510.1	A3510.4	Overbudget	\$300.00
Control of Dogs - Personal	Control of Dogs - Contractual		
A899.1	A4540.4	Revenue Recovery Money for EMS Budget	\$23,000.00
Ambulance Revenue Recovery	Ambulance		

#237-2022: MOTION was made by Supervisor Hartman to approve the Budget Transfers with a change to the purchase of Recreation Truck to use \$25,000 in ARPA funding and \$8,241.56 in the Reserves for Recreation Equipment account; seconded by Councilperson Sam; Ayes: Hartman, Ventry, Sam; Opposed: Wilhelm, Byrnes; Abstain: None; Motion carried.

Audit Bills:

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	784-875	\$313,409.79
Fire Dept. Fund	256-282	\$17,066.86
Recreation Fund	166-183	\$53,020.30
Water Fund	18	\$15.00
Street Lights Fund	45-49	\$352,130.75
Refuse Fund	20-24	\$114,897.22
Highway Fund	304-345	\$182,246.47
Drainage District SD1	1-2	\$9,936.51
Capital H1620.4	2	\$11,688.60

#238-2022: MOTION was made by Supervisor Hartman to approve the Audit of Bills as presented; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Departmental Reports:

Department reports for the month of December 2023 were submitted by Scott Crowe, East Eden Fire Chief; Matt Colvin, Eden Fire Chief; Susan Johnson, Assessor; Greg Savage, Eden Police Chief; Emily Hawkins, Town Clerk; Dave Rice, Code Enforcement Officer; Amy Porter, Recreation Director; Nick Blasz, Dog Control Officer, & Joseph Ghosen. All reports are on file in the Town Clerk's office.

#239-2022: MOTION was made by Supervisor Hartman to add Jordon Wendel to the active East Eden Fire roster pending a background check and physical; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

#240-2022: MOTION was made by Supervisor Hartman to add Andrew Breier back to the East Eden Fire active roster; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

#241-2022: MOTION was made by Supervisor Hartman to add William Henry to the Eden Fire active roster pending a physical; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Supervisor Hartman read the request from Chief Colvin to remove Christopher Doyle-Brown from the active roster with gratitude for his service.

Public Comment on Agenda Items Only: There were none.

New and Unfinished Business:

1. Community Leadership Award – Bill Mahony:

RESOLUTION

HONORING WILLIAM J. MAHONEY

WHEREAS, William (Bill) Mahoney has honorably served as a volunteer in many capacities to the Town of Eden residents for nearly 15 years, and

WHEREAS, he became a member of the Eden Planning Board on January 1, 2008, and

WHEREAS, Bill has chaired the Planning Board since 2016, and

WHEREAS, Bill served on the Eden Master Plan Committee from 2017 – 2018 where his contributions helped develop the driving document for the Town's planning and zoning priorities, and

WHEREAS, he continued his commitment to the Town's planning efforts by serving on the Town's Master Plan Implementation Committees that included; the Mixed-Use District Design Standards which will assist our hamlet business district, the Signage Code and Agricultural and Zoning updates, and

WHEREAS, Bill was instrumental in the creation of the Town's Community Benefit Agreement for the Nexamp Solar Farm which secured close to \$1 million dollars for farmland protections and land conservancy, and

WHEREAS, he has shown patience, understanding and exemplary leadership when guiding our residents and those seeking to do business in Eden, and

NOW, BE IT RESOLVED, that, by act of this Town Board, we honor Bill Mahoney by presenting him with Eden's Community Leadership award for his many years of dedication, leadership and commitment to the Town of Eden

#242-2022: MOTION was made by Supervisor Hartman to open the Public Hearing for the Special Use Permit Renewals; seconded by Councilperson Ventry; Ayes: All; Opposed: None; Abstain: None; Motion carried.

The Public Hearing was opened at 7:32 PM.

At LEGAL NOTICE TOWN OF EDEN, NEW YORK NOTICE OF PUBLIC HEARINGS

Pursuant to resolutions of the Town Board of the Town of Eden, New York, **NOTICE IS HEREBY GIVEN** of the following **PUBLIC HEARINGS** to be held by the Eden Town Board in the Eden Town Hall, 2795 East Church Street, Eden, New York on the 14th day of December, 2022 at 7:30 PM Local Time, for the purpose of considering the annual renewal of Special Use Permits for the following:

St. John's Eden Community Care Center/St. John's Church – 2871 E. Church St, Eden, NY for the operation of a day care center.

SBA Towers II – 8174 North Main St., Eden, NY for a telecommunications tower.

Schreiber Self Storage & Contractor Plaza – 8750 S. Main St., Eden, NY for a mini self-storage facility and contractor's plaza

James Gorecki – 8797 East Eden Rd, Eden, NY for a dog boarding/dog grooming facility

Bell Atlantic Mobil Systems, d/b/a Verizon Wireless – Adjacent to Swartz field, Main St, Eden, NY for operation of the Verizon Telecommunications Tower

Meagan Fay – 3728 Schintzius Rd., Eden, NY for the operation of a cat kennel.

Bell Atlantic Mobil Systems, d/b/a Verizon Wireless – R3274 Webster Road tower for operation of a Verizon Telecommunications Tower.

Crown Castle/Donald Mammoser – 8635-8687 East Eden Rd., Eden NY for a telecommunications tower Cazenovia Recovery Systems, Inc. – 9136 Sandrock Rd., Eden, NY for the Turning Point House Alcohol Rehabilitation Center

Crescent Manufacturing – 8800 South Main St, Eden, NY for general industrial, storage, shipping and receiving

Eden Solar LLC – 7501 Sisson Highway, Eden, NY for operation of a utility scale solar energy system

There was no one present to be heard.

#243-2022: MOTION was made by Supervisor Hartman to close the Public Hearing and open the regular meeting; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

The Public Hearing was closed at 7:35 PM.

2. Set Bid Opening for Eden Fire Truck:

#244-2022: MOTION was made by Supervisor Hartman to set the Eden Fire Truck bid opening to January 13, 2022 at 3:30 PM; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

3. Renew Pro-flex for 2023 HRA Services:

#245-2022: MOTION was made by Supervisor Hartman to approve Pro-Flex as health insurance administrators for the year 2023 in the amount of \$875.00; seconded by Councilperson Wilhelm; Ayes: all; Opposed: None; Abstain: None; Motion carried.

4. NYS Volunteer Firefighter Cancer Benefit Program:

#246-2022: MOTION was made by Supervisor Hartman to approve the enhanced plan through Hartford Life and Accident Insurance Company for Eden Fire in the amount of \$6,242.45; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

#247-2022: MOTION was made by Supervisor Hartman to approve the enhanced plan through Hartford Life and Accident Insurance Company for East Eden Fire in the amount of \$5,021.35; seconded by Councilperson Byrnes; Ayes: All; Opposed: None; Abstain: None; Motion carried.

5. Intermunicipal Agreement with North Collins – Dog Control:

#248-2022: MOTION was made by Supervisor Hartman to approve the Intermunicipal Agreement with North Collins for dog control services for 2023; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

6. Eden Vet Contract:

#249-2022: MOTION was made by Supervisor Hartman to approve 2023 Dog Shelter Lease Agreement with Eden Veterinary Clinic with the increase of \$30 per day for boarding and \$\$35 for rabies vaccination; seconded by Councilperson Wilhelm; Ayes: All; Opposed: None; Abstain: None; Motion carried.

7. Renew Worker's Comp:

#250-2022: MOTION was made by Supervisor Hartman to approve the Worker's Compensation Insurance renewal for a two-year term from January 1, 2023 through December 31, 2024 in the amount of \$69,234 for the Town of Eden, \$9,774 for the Town of Eden Rescue and \$39,977 for the Town of Eden Fire; seconded by Councilperson Wilhelm; Ayes: all; Opposed: None; Abstain: None; Motion carried.

8. Police Chief Contract:

#251-2022: MOTION was made by Supervisor Hartman to approve the 2023 Police Chief Contract; seconded by Councilperson Byrnes; Ayes: all; Opposed: None; Abstain: None; Motion carried.

9. December 28, 2022 Town Board Meeting – 5:00 PM: Informational only.

10. Summer Recreation Fees:

The Recreation Board is recommending the following recreation fees for the Summer

2023 Season.

Rates for Summer Recreation:

Resident fee: \$250

Non-resident fee: \$375

\$25 Late fee

Early Drop off fee: \$8

Mini Day Camp: \$75 for Tuesday/Thursday

\$95 for Monday/Wednesday/Friday

#252-2022: MOTION was made by Supervisor Hartman to approve the 2023 Summer Recreation rates and to amend the fee for mini day camp to \$125 for the Monday/Wednesday/Friday program; seconded by Councilperson Byrnes; Ayes: all; Opposed: None; Abstain: None; Motion carried.

11. Summer Recreation Wages:

2023 Wages

Summer Rec Assistants & Maintenance

1 year: \$14.50 2-5 years: \$16.00 6+ years: \$17.50

Elementary Leader: Additional \$1/hr
All other leaders, arts & crafts leader, sports & tennis instructor & maintenance crew chief (if applicable) additional \$.50/hr

Pool Staff:

1 year: \$16.50 2 -3 year: \$17.50 4 - 7 year: \$18.50 8+ years: \$19.00

Head instructor and Head Guard additional \$1.00/hr

#253-2022: MOTION was made by Supervisor Hartman to approve the Summer Recreation wages as presented; seconded by Councilperson Sam; Ayes: all; Opposed: None; Abstain: None; Motion carried.

12. Ratify Part-Time Police Officer:

#254-2022: MOTION was made by Supervisor Hartman appoint Philip Tripi at part-time police officer at a frat of pay of \$25 per hour for day shirt and \$26 per hour for night shift effective November 28, 2022; seconded by Councilperson Ventry; Ayes: all; Opposed: None; Abstain: None; Motion carried.

13. Set Public Hearing for Proposed Local Law for 19 NYCRR Part 1203:

#255-2022: MOTION was made by Supervisor Hartman to set the Public Hearing for Proposed Local Law for 19 NYCRR Part 1203 to January 11, 2023 at 7:30 PM; seconded by Councilperson Ventry; Ayes: all; Opposed: None; Abstain: None; Motion carried.

#256-2022: MOTION was made by Supervisor Hartman to open the Public Hearing for the proposed Local Law Regulating Special Events; seconded by Councilperson Ventry; Ayes: all; Opposed: None; Abstain: None; Motion carried.

The Public Hearing was opened at 7:45 PM.

LEGAL NOTICE TOWN OF EDEN, NEW YORK NOTICE OF PUBLIC HEARING

Notice is hereby given that public hearings will be held by the Eden Town Board in the Eden Town Hall, 2795 East Church Street, Eden, New York on the 14th day of December, 2022, for the purpose of considering the adoption of the following proposed Local Laws;

at 7:45 P.M. Local Time; #13-2022, being a Local Law Regulating Special Events.

at 7:50 P.M. Local Time; #14-2022, being a Local Law Amending the Schedule of Fees.

Copies of the proposed local laws are available for public review in the Office of the Eden Town Clerk. All interested parties will be given an opportunity to be heard.

There was no one present to be heard.

#257-2022: MOTION was made by Supervisor Hartman to close the Public Hearing and open the regular meeting; seconded by Councilperson Ventry; Ayes: all; Opposed: None; Abstain: None; Motion carried.

The Public Hearing was closed at 7:46 PM.

14. SEQRA Lead Agency:

Whereas, the Eden Board has proposed local law for 5G "small cell wireless telecommunication facilities"; and

Whereas, as the action is a legislative action which entails adoption of a local law; and

Whereas, in accordance with the provisions of 6 NYCRR Part 617 (SEQRA), the Eden Board intends to serve as Lead Agency for SEQRA review of this Type 1 Action and will determine if the proposed action will have a significant effect on the environment; and

Whereas, there are no other agencies involved in this proposed action; therefore, no coordinated review is necessary.

Now Therefore Be It Resolved, that the Eden Board hereby designates itself as Lead Agency for the proposed action and will examine the Full Environmental Assessment Form and any other supporting documentation to determine the environmental significance of the proposed action.

#258-2022: MOTION was made by Councilperson Ventry to approve the resolution as presented; seconded by Councilperson Wilhelm; Ayes: all; Opposed: None; Abstain: None; Motion carried.

15. Auctions International Contract:

#259-2022: MOTION was made by Supervisor Hartman to approve the contract with Auctions International for 2023; seconded by Councilperson Ventry; Ayes: all; Opposed: None; Abstain: None; Motion carried.

16. Proposed Local Law; Establishing Fire Rapid Entry System: Tabled.

17. Special Use Permits:

#261-2022: MOTION was made by Supervisor Hartman to approve the following renewals for Special Use Permits, subject to existing conditions. The Permits will expire on December 31, 2023.

St. John's Eden Community Care Center/St. John's Church – 2871 E. Church St, Eden, NY for the operation of a day care center.

Schreiber Self Storage & Contractor Plaza – 8750 S. Main St., Eden, NY for a mini self-storage facility and contractor's plaza

James Gorecki – 8797 East Eden Rd, Eden, NY for a dog boarding/dog grooming facility

Bell Atlantic Mobil Systems, d/b/a Verizon Wireless – Adjacent to Swartz field, Main St, Eden, NY for operation of the Verizon Telecommunications Tower

Meagan Fay – 3728 Schintzius Rd., Eden, NY for the operation of a cat kennel.

Bell Atlantic Mobil Systems, d/b/a Verizon Wireless - R3274 Webster Road tower for operation of a Verizon Telecommunications Tower.

Crescent Manufacturing – 8800 South Main St, Eden, NY for general industrial, storage, shipping and receiving;

seconded by Councilperson Ventry; Ayes: all; Opposed: None; Abstain: None; Motion carried.

#262-2022: MOTION was made by Supervisor Hartman to open the Public Hearing for the proposed Local Law Amending the Schedule of Fees; seconded by Councilperson Ventry; Ayes: all; Opposed: None; Abstain: None; Motion carried.

The Public Hearing was opened at 7:50 PM.

There was no one present to be heard.

#263-2022: MOTION was made by Supervisor Hartman to close the Public Hearing and open the Regular Meeting; seconded by Councilperson Ventry; Ayes: all; Opposed: None; Abstain: None; Motion carried.

The Public Hearing was closed at 7:51 PM.

18. Proposed Local Law Regulating Special Events:

A LOCAL LAW REGULATING SPECIAL EVENTS IN THE TOWN OF EDEN

Be it enacted by the Town Board of the Town of Eden, as follows:

The Code of the Town of Eden, State of New York, is hereby amended by adding thereto a new Chapter 176, entitled "Special Events" to read as follows

Chapter 176 Special Events

176-1 Purpose.

The purpose of this chapter is to ensure that Special Events are conducted in a manner which promotes and protects the health, safety, and general welfare of attendees and neighbors of Special Events, and ensures that Town services are available as needed.

176-2 Definitions.

Special Event

Any event in the Town of Eden planned by a person, business, or organization, which is outside of normal day-to-day business, and/or which may require community resources such as police, fire, emergency squad, or highway department.

Excluded from this definition: school-sponsored events and private events held on residential property.

Examples of Special Events:

- Outdoor music event
- 5K Run
- Car show
- Benefit event for an organization

Recurring Special Event

A series of Special Events of the same type planned by the same organization and all held at the same location.

Examples of Recurring Special Events:

- Farmer's Market (held weekly at the same location)
- Eden weekly summer concert series (held at school but not sponsored by school)

Event Planner

The person in authority over the event. Must be available to make decisions on behalf of the organization throughout the event.

Special Event Permit Application

The application form used by the Event Planner to obtain a Special Event Permit.

Special Event Permit

A document approved by the Town of Eden Code Enforcement Officer to allow a Special Event or Recurring Special Event to take place.

176-3 Application and Permit Requirements

A. The Event Planner shall obtain a Special Event Permit Application from the Eden Town Hall.

- B. The Event Planner shall provide the following information with the Special Event Permit Application:
 - Name of event (to be used in advertising)
 - Type of event (race, concert, car show, etc.)
 - Purpose of Event
 - Name and address of organization sponsoring the event
 - Event organizer's name, phone, and email
 - Location of event
 - Date and hours of event
 - Nature of entertainment

- Anticipated Peak Attendance
- Type of food to be served
- Whether alcohol will be served
- Are tents needed? (Number and sizes)
- Will cooking be done in a tent?
- Any fireworks or hazardous materials?
- Music (live, recorded, PA system)
- Will any streets be closed (name the streets)?
- Town of Eden services needed (Police Dept, Fire Dept, EMS, Emergency Manager, Recreation, Highway Dept)
- Attachments to Application
 - (Required) A map showing event location using name and address of facility, and showing locations of parking area, tents, rest rooms, public entrance/exit points, vendor facility locations, and adjacent residential structures.
 - o (Required if alcohol will be served) Copy of New York State Liquor License

C. The Event Planner shall submit the completed Special Event Permit Application (with attachments listed above) to the Code Enforcement Officer no later than Thirty (30) days before the first day of the event.

D. The Code Enforcement Officer will review the application with all the town agencies listed on the application to confirm that safety, traffic, and compliance with NYS Uniform Fire Prevention and Building Codes concerns are properly covered, and that other required permits/licenses have been obtained.

E. The Code Enforcement Officer will either issue a Special Event Permit, or notify the Event Planner that the application is denied within 10 business days.

176-4 Fees

There is no fee for a Special Event or a Recurring Special Event.

176-5 Special Event Rules and Restrictions

- A. The Event Planner shall not advertise the event before the Special Event Permit is issued.
- B. The Special Event shall be conducted in accordance with all Town of Eden codes and NYS Uniform Fire Prevention and Building Codes.
- C. If the applicant and/or intended users intend to place a tent or other structure upon Town-owned property, a Certificate of Insurance naming the Town of Eden as an additional insured is required, with general liability in the amount of at least \$1,000,000.

176-6 Permit Terms and Restrictions

- A. Each Special Event Permit shall be valid for the date(s) listed on the permit.
- B. Special Event Permits are nontransferable.

176-7 Enforcement

This Special Event code shall be enforced by Town of Eden Police Department and/or the Code Enforcement Officer.

176-8 Penalties and Offenses

The penalty for conducting a Special Event without having a valid Special Event Permit is up to \$250 per event-day.

#264-2022: MOTION was made by Supervisor Hartman to approve the Local Law for Special Event Permits; seconded by Councilperson Byrnes; Ayes: all; Opposed: None; Abstain: None; Motion carried.

Supervisor's Report:

- Thanked Highway Department and volunteers for the snow removal work during the November snow storm as well as a thank you to the volunteers that hung holiday lights throughout Eden.
- Recognized Michelle Gonter as Eden Chamber of Commerce, Person of the Year, and John Roberts Salon as Business of the Year.

Amy Porter:

- Winterfest to be held February 3rd-5th
- Summer employment applications available January 1st

• Three vacancies on the Recreation Board – application available on the website

Susan Wilhelm: Recognized those that worked and volunteered during November storm.

Hearing of Visitors:

There were none.

#265-2022: MOTION was made by Supervisor Hartman to close the Regular Meeting of the Eden Town Board and enter into Executive Session for contractual and personnel; seconded by Councilperson Sam; Ayes: All; Opposed: None; Abstain: None; Motion carried.

Supervisor Hartman adjourned the Regular Meeting of the Eden Town Board at 7:58 P.M.

Executive Session closed at 9:30 PM

Respectfully Submitted by:

Emily Hawkins, Town Clerk